

To: Fitchburg Zoning and Planning Department

From: Roger and Jean Cohee

2682 County Road MM

Fitchburg, WI 53575

August 17, 2015

At this time we are requesting the approval for the creation of a residential land parcel under Fitchburg's "Rural Residential Development Criteria". This parcel is currently zoned A-X (Exclusive Agriculture).

Required Criteria

Lot Size: 1 ½ acres or less

This proposed lot is located at the southwest corner of the farm (CSM-Lot3 NO. 10695) is 1 ½ acres.

History of tillage: Along fence line, disrupt farming practices.

Its southern lot line borders a permanent fence row with a planned driveway entrance onto County Rd MM.

The location supports a crop rotation of corn and soybeans, but does not inhibit any of the surrounding farm operations.

Erosion potential: Slope 12% or less

This site is located on flat land with little or no water runoff.

Lot size: Depth/ width ratio 2:1

The dimensions are 197' wide (north and south) and 337' deep (east and west), which gives it a depth/width ratio of 1.77 to 1.

Residential infill: 300' from residential dwelling.

A suggested building location would be 300' from the closest residential dwelling.

In addition to these required criteria this parcel does not include any Heritage Trees, disturb any environmentally sensitive areas or require a forestry management plan.

A certified survey map (Lot # 3-#10695) was completed in March of 2003. At that time, a city Restricted Deed was placed on this entire lot. This restriction currently does not allow for a housing unit to be built at this location until such time that it is included in the Urban Service Area with public water and sewer.

We are requesting that this restriction be removed in order that a housing unit can be built on this proposed parcel.

There will be ample room for a septic system and water well to be installed on this 1 ½ acre lot.

In summary, it appears that this requested land parcel approval would fall well within Fitchburg's "Rural Residential Development Criteria", once the "Restricted Deed" issue is resolved.

We would appreciate your approval of this 1 ½ acre development request.



North

EAST

Google

42°59'37.97" N 89°22'03.99" W elev 929 ft eye alt

© 2015 Google

South

CTH MM

WEST

2000





Appendix B: Rural Residential Development Criteria



Introduction

The Rural Residential Development Criteria sets a policy standard for siting new developments, except those replacing existing developments, located outside of the urban service area. The purpose of the criteria is to manage rural residential development in a manner that is appropriate in regard to community standards, preservation of agricultural land and limiting sprawl which are policy guidelines within the Comprehensive Plan. A landowner has a potential development claim for every contiguous 35 acres under control of common ownership whether or not separated by streets, highways, or railroad rights-of-way, utilizing 1979 as the base year. A Lot currently described by CSM recorded before 1979 may be rounded to the nearest whole number to determine potential development claim(s). To utilize the number of potential claims, landowners outside the Future Urban Development Boundary (Figure 4-7) are permitted to use up to two of their claims, as of March 24, 2009 to construct a new house as long as it is sited in accordance with the rural residential criteria and developed in accord with City policies. Landowners that have more than two potential claims would be required to utilize those excess claims through a cluster program.

Landowners inside the Future Urban Development Boundary are permitted to use one of their claims, as of March 24, 2009 to construct a new house as long as it is sited in accordance with the rural residential criteria and developed in accord with City policies. Landowners inside the Future Urban Development Boundary that have more than one potential claim would be required to utilize those excess claims through a cluster program. The land shall be deed restricted to not allow for more than one dwelling use or non-farm use for every 35 acres.

Existing developments (still standing or torn down less than one year from the demolition permit) in the rural area may be replaced by a new development and are not subjected to the use of a potential claim. The new developments are to be located in the same footprint or adjacent, not to affect woodland cover, heritage trees and existing farming practices. The existing development is to be torn down after a specified length of time per the occupancy permit. Existing zoning standards and other provisions need to be followed.

Retiring of Claims

There are a number of ways that potential claims could become retired:

1. For each new rural residence lot that is created for a development under the Rural Residential Development Criteria, one claim is retired.
2. Land divisions may split a 35 acre potential claim, resulting in the loss of a potential claim.
 - a. Example: 120 acres = 3 potential claims;
 - b. Property is split between two owners 60 acres each
 - c. Each owner gets 1 potential claim for 60 acres each. The original third potential claim is retired.
3. Land that is brought into the urban service area will be subtracted from landowner's total acres. This reduction in acres may result in a loss of potential claims.



CITY OF FITCHBURG

RURAL RESIDENTIAL DEVELOPMENT CRITERIA

Applicant: _____

Property ID: _____

Required Criteria

Applicants must meet the five required criteria.

A. Compatibility with Adjacent Farm Operations

Owner shall sign and record, at the Register of Deeds office, a “right to farm” statement indemnifying all neighboring farm operations as either on the deed or as a separately recorded document.

B. Environmentally Sensitive Areas

Building site must be outside of the defined wetland, floodplain and drainageway or environmental corridor.

C. Lot Shape

Depth/width ratio up to 2:1.

- Lot dimensions are defined as the average measurements from front to rear and side to side lot lines. Where the lot is irregular, several measurements are averaged including the measurement of each lot line and a measurement down the centerline between the lot lines.

D. Woodland Cover

A Forestry Management Plan, approved by the City Forester, is required for improvements placed on wooded or partially wooded sites.

- Improvements are sited to have a minimal disruption to significant tree(s), and/or the critical root radius of significant tree(s).

E. Heritage Tree Protection

Heritage trees and their critical root radius shall be fully protected and remain undisturbed by establishing a protected root zone.

Appendix B: RRDC

City reserves the right to use its zoning and land division authority in a manner it deems most appropriate.

Additional Criteria which may be Waived

Applicants are required to comply with these four criteria, with the Plan Commission being the final arbitrator to waive said criteria with additional requirements.

A. History of Tillage

Improvements should be located on land with no history of tillage.

- Locating a house on a lot with no history of tillage and meeting the required criteria is the first priority.
- If an applicant cannot meet the above requirement on their property, a lot with history of tillage may be considered. The proposed improvements on a lot with history of tillage must be at the edge of a field along an existing fence line or woodlot, not to disrupt farming practices.

B. Residential Infill

House should be located within 300 feet from a residential building.

C. Lot Size

Lot should be 1.5 acres or less.

- If the lot size of 1.5 acres or less is to be waived, complete site plans of all proposed building footprints are to be submitted. The house site of up to 1.5 acres must be sited such that remaining land can be reasonably farmed.

D. Erosion Potential

Lot slope is to be 12% or less.

- Earth houses or other houses using a slope over 12% as an energy resource may be granted by the Plan Commission. Complete site plans of the proposed house must be submitted.

Definitions

Improvements

Defined as house, structures, and/or site improvements.

Critical Root Radius (CRR)

The area of undisturbed soil around a tree, especially forest grown or columnar trees, that includes 90-95% of the tree's roots and is more accurate than the dripline method for determining the Protected Root Zone. The formula for determining the CRR is 1.5 feet of radius for each inch of DBH. For example: a 10 inch tree has a CRR of 15 feet ($10 \times 1.5 = 15$).

Forest Management Plan

The practical application of scientific, economic, and social principles to the administration and working of a forest for specified objectives. For sites on which there shall be construction activities, the Forest Management Plan shall include Tree Protection Plan component.

Heritage Tree

Trees that, because of their age, size, type, historical association or horticultural value, are of special importance to the City. Each candidate tree is assessed by a certified arborist and evaluated by a review committee. Upon recommendation of the Parks, Recreation, and Forestry Commission, the City Council may designate a tree as a Heritage Tree provided the tree's health, aerial space, and open ground area for the root system have been certified as sufficient.

Partially Wooded

Sites that have greater than 50% tree canopy coverage are considered woodland or forest. Anything less than 50% tree canopy coverage would be considered partially wooded or oak savanna if the site consists primarily of oaks.

The site would be considered prairie if the understory herbaceous plants are undisturbed or restored native prairie plants and the oak canopy tree coverage is 10% or less.

These upper and lower limits are only approximate.

Protected Root Zone

An area surrounding a tree which should be isolated with a fence to restrict access and to avoid damage during construction activities. It includes the Critical Root Radius in which 90-95% of a tree's root system is found.

Significant Tree

Any living tree that displays superior quality and characteristics when compared to trees of the same species or other trees in the vicinity of the woodlot. For the purpose of this ordinance, a significant tree can be dominant, co-dominant, or overtopped in the tree canopy, have a DBH of greater than or equal to 6 inches, and display good form and characteristics.

Site assessment

A preliminary survey of the woodlot to determine its condition by taking sample inventories, determining the species, DBH and location, and overall general health; determining the level of pervasiveness of invasives and the presence of native animal species.

Site Disturbance

Grading, placement of structures, or site improvements which alter the existing or natural state of the land prior to the placement or work on such improvements. The disturbed area is that which is graded, disrupted, mined, or see site, structure or building improvements. A discrete event, either natural or human-induced, that causes a change in the existing condition of an ecological system.

Tree Protection Plan

A Forestry Management plan conducted by a certified forester or arborist that identifies trees that are to be protected or removed during construction. It is based on a tree survey or inventory that includes a list of significant species, their diameters at breast height, location and relative health.